

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

N.L.D., LONNZO LEE HARPER,
and TAMESHIA R. DAVIS,

Plaintiffs,
v.
ORDER
CRESTWOOD ELEMENTARY SCHOOL,
Defendant.

Plaintiffs Lonnzo Lee Harper and Tameshia R. Davis filed this lawsuit on their own behalf and on behalf of their son N.L.D., alleging that N.L.D. was injured on the playground at Crestwood Elementary School in Madison. In screening the complaint, I concluded that there were two major problems with the case: (1) Harper and Davis name N.L.D. as a plaintiff, but they cannot represent him by themselves without counsel; and (2) plaintiffs' allegations do not support claims over which this federal court may exercise jurisdiction. *See* Dkt. 8. I gave plaintiffs a chance to respond to my order by filing an amended complaint containing allegations showing that are bringing a claim for relief under federal law.

Harper and Davis have responded by filing a letter reiterating that they believe that they and their son have been wronged and expressing their desire to have their day in court. Dkt. 9. I understand their desire to hold accountable those that they believe are responsible for their son being injured. But as I stated in my previous order, this federal court cannot hear cases involving only allegations of negligence, unless the parties are citizens of different states, which they are not in this case. Plaintiffs' claims belong in state court instead of this federal court, so I must dismiss this case for lack of subject-matter jurisdiction. It is up to plaintiffs to decide whether they wish to re-file this case in state court.

ORDER

IT IS ORDERED that this case is DISMISSED for lack of subject-matter jurisdiction.

The clerk of court is directed to enter judgment accordingly.

Entered July 2, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge